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# Quid Novi

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McGILL UNIVERSITY FACULTY OF LAW  
UNIVERSITE MCGILL FACULTE DE DROIT

February 1, 1993  
le 1 février, 1993

## LAW & LITERATURE

By Randy Hahn, LLB II

A recent article in the Quid drew attention to the mixed signals sent out to the legal profession: lawyers are regularly reviled in a variety of ways, yet we can still detect an underlying sneaking respect for the profession.

After reading the article by Stephen Lloyd I looked at the section of my commonplace book dealing with laws and lawyers. I was reminded that in literature there are many examples of how lawyers are presumed to be part of a noble profession, as well as instances when it is apparent that the resentment towards lawyers is nothing new. What follows is a selection of some such comments on law or lawyers.

Of particular interest to those of us in law school is an excerpt from Leo Tolstoy's *The Death of Ivan Ilych*. The story is a rather depressing one about a minor official from a provincial town who is dying from some mysterious illness, and while doing so reviews how wretched and meaningless his life has been. Tolstoy explains that "the further he departed from childhood and the nearer he came to the present the more worthless and doubtful were the joys. This began with the School of Law".

Another condemnation of law school is found in Victor Hugo's *Les Misérables*. Hugo describes the character of Baharel "whose matter was 'no lawyer'... Whenever he passed the School of Law, which happened seldom, he buttoned his tail-

coat, the top coat having not yet been invented, as a precaution against contamination".

Any survey of this kind must include an excerpt from Charles Dickens who had a great many things to say about lawyers. One of my favourites is his observation in *Bleak House* that "The one great principle of the English law is to make business for itself".

But many generous things about lawyers have appeared in literature. Alexis de Toqueville argued in his nineteenth-century classic *Democracy in America* that "The prestige accorded to lawyers and their permitted influence on the government are now the strongest barriers against the faults of democracy".

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## UN-LAWFUL

By Marianne Tawa, BCL II

This could be a long four years. During the three semesters that I've been in this scintillating faculty I have heard and witnessed so much bullshit, pettiness and cut-throat competition that I find myself compelled to do something I've done only once before: write an article. To be sure, I wasn't so naive as to think that an altruistic spirit of comradery would pervade the oak-lined walls of venerable Chancellor Day Hall (after all, I do come from polisci), nor was I foolish enough to believe that ideas would be freely exchanged in the passionate pursuit of

higher learning. But I didn't expect backstabbing, scheming and wilful destruction of property either.

My fellow classmates know all too well what the latter refers to. After all, who does not still feel a certain collective shame for having been scolded like three-years olds by a justifiably indignant Prof. Healy after cases were ripped out from Supreme Court Reports? or a certain embarrassment when Prof. Godin was forced to place his own material on reserve because the recommended readings on emphyteutic leases had mysteri-

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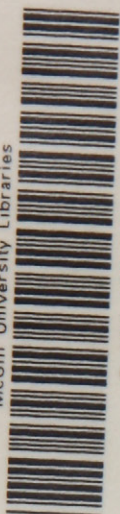
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# ANNOUNCEMENTS

**EXTERNAL AFFAIRS AND INTERNATIONAL TRADE CANADA** - offers every year "Barton Awards in International Peace and Security". The administration of these awards is undertaken by the International Council for Canadian Studies. The Barton Awards are intended to assist Canadians who wish to pursue Ph.D. studies or post-doctoral research in areas related to international peace and security from a Canadian perspective, with particular emphasis on arms control, disarmament, defence and conflict resolution. Advanced scholarships are valued at up to \$14,000, and it is expected that nine such scholarships will be offered in 1993. Applicants must be Canadian citizens or permanent residents at the time of application. Applicants will be asked to describe their plan of study or research and to indicate the institution they plan to attend. They are also expected to explain their reasons for selecting the institution in question. Complete applications must be received by 28 February 1993. For further information and application forms write to:

Program Officer  
International Council for Canada  
2 Daly Avenue  
Ottawa, Ontario K1N 6E2

**WOMEN AND THE LAW** - is seeking to set up an archive of student essays that are either feminist-based or deal with women's issues. The archive will be available at the law library as reference for the student body at large. If you have written a law paper that can contribute to this collection and would like to participate in this project, please submit your essay(s) to the Women and the Law box at the LSA office. Please note that submitted copies will not be returned to students.

**DEFERRED/SUPPLEMENTALS** - those students writing deferreds or supplementals should complete the appropriate form, available in the SAO, and submit it before Friday, February 19th at the latest.

**JUNE 1993 GRADUATION** - a revised list of prospective graduands has been posted on the notice board in the SAO. Please check again to ensure all information is accurate and bring any corrections to our attention immediately.

**FALL 1992/93 TERM PAPERS & ESSAYS** - From the "Your Gems, Our Clutter" file. Please pick up your term

papers or essays before the end of January. We don't want to recycle them, but...

**GRADUATION 1993** - this is just a reminder to all those of you graduating this year:

\* to those who have already had their pictures taken with Jostens, make sure you have gone to choose the picture that will appear in the composite and the yearbook. If you have not, do so ASAP. They are located at 1450 Drummond, below de Maisonneuve.

\*à ceux qui n'ont pas encore été photographiés, si vous voulez laisser une trace de votre passage à la faculté, assurez-vous de prendre un rendez-vous avec Jostens le plus rapidement possible! Le numéro de téléphone de Jostens est le 499-9999.

\*to all graduating students: if you want a quote to appear next to your picture in the yearbook, fill out the "Grad Quotation" form, available in the LSA, and return it to the Res Ipsa Loquitur box in the LSA. Also please drop off your permanent address in the Grad committee box in the LSA, if the sheet passed around in different classes never reached you.

\*Le "Grad committee" sera en mesure de vous fournir tous les détails sur le bal d'ici quelques semaines. Patience! Si vous avez des questions, vous pouvez rejoindre Tina au 393-8277.

**LSA SEEKS STUDENT INPUT** - re: guidelines for selection of students to fit on Faculty Council committees. Call M. Creery: 495-9985 for info.

## COIN DES SPORTS CORNER

### Women's Hockey - Malum in Se

After Sunday's performance, we may have to re-name the team "Margi in Se"! Malum defeated the McConnell Hall Outlaws 3-2 in an uncharacteristically ugly game featuring high sticks, elbows and flying bodies. Margi S. netted her first 2 goals of the season, clinching the coveted Malum First Star award. Tamara G. added one for the win. Second star: Nathalie St.P. (a.k.a Mario), who shut down the opposing team with her amazing skating skills. Third star: The secret weapon, Lucie P., who kept us in the game by repeatedly robbing the annoying blonde in the blue pants! All in all, everyone played fantastically. Stay tuned for next week's report.

### Broomball - Read 'em n' sweep

Read 'em registered their first win last Sunday, starting the season off on the right foot. Despite complaints of massive hangovers and the fact that 1/3 of the team was AWOL, we rang up a score of 7-2. Hopes are high for this team, so stay tuned for upcoming reports.

## Public Offenders (P.O.) Update

I was asked to write a few words about the game, but why write ten clear words when a few hundred can totally confuse the issue? (This is legal reasoning at its finest). Prelude: Coach's situation. The year's absence from behind the bench and the recently-returned-and-brown-and-blond image combined to reduce my ice credibility. Forgetting most players' names didn't help either. Thus, much effort (working the door and buying beer) is currently being expended to regain confidence. Once this process is complete, I hope to persuade them that applying Australian Rules Football strategies to ice hockey will allow them to kick Malum in Se's collective butt in the soon-to-come rematch.

In the recent match against Macrophages (the best in the league apart from P.O.), P.O. lost by a narrow margin in a disappointingly bloodless battle.

Game hi-lites included Sylvie's "Where-did-she-come-from?" end to end rush and goal. Defensive coach C. "Knee Bondage is Beautiful" Stonebanks then immediately decreed that all defensive players should score (not with the guys in the stands). S. "I Comply" Steffen responded with a goal that surprised everyone, especially V. "red neck" Malka.

L. "Powerhouse" Poirier's breakaway did not result in a goal but, judging by the sound heard when the sound-barrier-breaking shot connected (by pure luck) with tfeh leg pad, the goalie's shin is now sporting a big bruise, if not a hairline fracture.

J. "Wooleyhead Q.C." Woolcombe made club history by becoming, when seeing the door obstructed, the shortest player to ever successfully negotiated a pole-vault over the boards onto the ice.

M.J. Legault anchored a rock-solid defence, although at times still displaying an annoying and embarrassing tendency to tuck one arm behind her back and swing the other in front for extra speed.

Stellar performances were also contributed by "Rocky" Rochette, MHP (Most Hyphenated Player) award-winner M-F St-A, S. "all the wrong curves" Arpin, J. "better than my brothers" Michelin, and "Puck-Control" Perreault.

As the end of the game neared, D. "the Instigator" Palayew's prompting to "take blood when denied victory" was heeded by A. "Goon: Gillespie. Fortunately, the rest of the team, myself, a few fans and a dog were able to restrain her from turning the entire opposing team into veggie paté.

An all this is just from one game. Why not go out and see them for yourself? The Public Offenders make skydiving without chute, scuba diving among great white sharks and climbing Everest in thongs look like Security on Im-moveables.

## The Quid Welcomes Back The Sharks from Sherbrooke!!

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# SCANDAL ROCKS FACULTY !

(The complete, unedited version)

It has been a long two weeks and we know that you are all very anxious to hear the whole story regarding the scandal.. well, here it is. Josh, we hope you will accept our apologies, but hey, look at the bright side, as a consequence you have two articles in this week's Quid...

## SCANDAL ROCKS FACULTY!

By Joshua Fireman

It was December 4, 1992. I had just come in for another long day of exam prep when I found a mysterious note in my LSA letter box. It read, "Meet me in the Pit at 2:00 - Papa Bear." For those of you in the dark, Papa Bear is one of my most faithful informants within the Faculty of Law student body. When a scandal starts to brew, Papa is usually right there, stirring the pot. I figured that if this mug wanted to see me so close to exams, he must have one hot tip for me.

Sure enough, at the appointed time, Papa was there, nonchalantly pretending to be studying. I approached him with my usual stealth, and proceeded to make small talk. But Papa was in no mood to talk. He just passed some crumpled up pieces of paper to me, and went on his way. I then, unassumingly, went to read the pages in the one place where I knew I would not be disturbed - the men's bathroom in the Pit.

What I read both shocked and frightened me to the very core of my fragile, sensitive being. I was holding in my hands the law school equivalent of the Watergate tapes. "So," I thought to myself, "this must be what Woodward and Bernstein felt those many years ago." Careful to maintain my cover, I flushed twice and continued to read a set of papers so hot that I expected the fire detectors to go off at any moment.

Once I had processed the information

before me, I left the bathroom, careful to wet my hands, as not to arouse anyone's suspicions. I couldn't believe my luck. I had in my hands the first concrete proof that the oft-rumoured but unconfirmed CONE (Compulsive Obsessive Notetaking Elitists) organization actually existed!

For years, there had been suspicions that a top secret NTC group existed within the Faculty of Law. It had been rumoured that its members swore blood oaths never to divulge any information about the existence of the group, their co-conspirators, or their work. They were believed to function under a sense of honour and duty much like the Mafia and the Yakuza - with retribution just as swift and decisive against members who fail to toe the group line. They had been a phantom-like presence in the faculty for as long as I could remember. Now, though, I had in my hands what, if verifiable, was proof positive that the CONE Heads really existed!

The paper read as follows:

*Dear [name withheld to protect Papa's anonymity],*

*It is our great pleasure to invite you to join the CONE Heads. We are an organization devoted to accuracy in note taking and one-upmanship over our fellow students. Your name was submitted to us as a possible candidate for membership into our exclusive organization. Should you wish to apply, please submit a copy of your CV, along with an 8x10 glossy photograph of yourself for our files, and a 750 word essay explaining why you think that you could be an asset to the CONE Heads.*

*Please note that, should you not be accepted into the group, or should you wish to ignore this offer altogether, your cooperation with respect to the confidential*

*nature of this document would be greatly appreciated. Any breach of confidentiality will be swiftly and brutally dealt with in the most efficacious manner possible. CONE Heads are everywhere, and make much better friends than enemies.*

*Sincerely,*

*[name mysteriously smudged beyond recognition].*

Papa had passed me my dream story. Now, it was up to me to confirm the existence of the CONE Heads. My first stop was to an individual whom I shall refer to as Lady Sif. Word on the street had it that she had once been approached by the CONE Heads, and had refused to tender an application. However, until this point, she had been stayed mum about any contact with the mysterious group.

It was my job, as a reporter, to gain the Sif's trust. She had to understand that her anonymity would be protected and her personal safety assured. I convinced her that I would be able to protect her from any CONE Head attempts to silence her, and to this day have a plainclothes bodyguard placed in close proximity to her at all times (codename: Thor).

It was on the 3d of January, after some idle small talk, that Sif poured out her guts to me. She painted a picture that was as pretty as a pool of vomit on a cold winter's day. It seemed that after she turned down the CONE Heads, they considered it necessary to convince her of the seriousness of her vow of secrecy. So, one lonely night in the big city, she awoke with a factum cocked and loaded, pressed against her temple. "I have a message from Odin," the voice said, "We can get to you wherever and whenever we want to. In or out of school, in this country or another one. If you cooperate, you will have nothing to fear. But, if you so much as breathe a word of this to



### Law & Lit...cont'd from p.1

In *Daniel Deronda*, by the Victorian author George Eliot, one reads the musings of the character of Rex who is contemplating a career in law. It is suggested to him that he will have to muddle through "an immense amount of rubbish", "I don't see that law - rubbish is worse than any other sort", replies Rex. "It is not so bad as the rubbishy literature that people choke their minds with. It doesn't make one so dull. Our wittiest men have often been lawyers. Any orderly way of looking at things as cases and evidence seems to me better than a perpetual wash of odds and ends bearing on nothing in particular. And then, from

a higher point of view, the foundations and growth of law make the most interesting aspects of philosophy and history. Of course there will be a good deal that is troublesome, drudging, perhaps exasperating. But the great prizes in life can't be won easily - I see that."

Finally reference needs to be made to Shakespeare's oft-quoted "The first thing we do, let's kill all the lawyers." I think this actually belongs in a review of good things said about lawyers. It is from *Henry VI, Part II*, Act IV. I am not a Shakespearean scholar and stand to be corrected, but I think the greatest English-language poet ever to have lived did not mean this quotation to be used as evidence of how horrible lawyers are. It

is uttered by a character named Dr. Butcher who is part of a mob. Shakespeare's politics and morality are not always easy to discern, but I think it fair to say he generally came down on the side of law and order, and abhorred anarchy and chaos. I suspect the quotation is actually meant to show that one of the sorry results of mob rule can be the undermining of the law and its attendant stability.

Law, in various guises, is nothing new. The legal profession has a long and sometimes illustrious history. We should then not be surprised - indeed we should be proud - that so many have evidently decided that laws and lawyers are deserved of attention.

## WANT SOME "DIRECTION" IN LIFE?

You can get it and still wear shorts to work!! The McGill Legal Information Clinic is looking for a new set of directors for the 1993/1994 term!! Les postes sont à temps plein pendant l'été et demandent au moins huit heures de travail par semaine pendant l'année scolaire. Les directeurs actuels peuvent témoigner de leur expérience enrichissante et amusante à la fois.

**MOI?:** Yes you! N'importe qui a travaillé comme bénévole à la clinique au moins **deux** semestres peuvent poser sa candidature.

**WHAT?:** There is **one** executive director position up for grabs. The four associate director positions available are:

1. Office and resource manager,
2. Director of publicity and publications,

3. University liaison and director of student advocacy,
4. Community liaison.

Written information on each of the positions will be available in the clinic library starting on February 2nd. As well, PLEASE feel free to approach any of the current directors to discuss what their respective jobs involve (drop by the clinic, stop us in the hall, get us out of the shower etc.). Our names and titles are on the board in the clinic library.

**QUAND?:** Les candidatures doivent être remises **au plus tard lundi, le 8 février à 4h** dans la boîte de Lucie Poirier à la clinique.

Your application must include your **CV**, and a **short statement** describing your reasons for applying for a given position as well as

what you feel you can offer the clinic in general, how you see it working in the future etc. Please note that although you may apply for one or more jobs specifically, you will automatically be considered for all of the positions. **PLEASE DO NOT INCLUDE A RECORD OF YOUR GRADES** — we are not interested.

We encourage everyone who is interested to apply. Don't be shy! Once again, if you have any questions don't hesitate to contact any one of the directors:

Margaret Wai  
Mark Piibe  
Sophie Perreault  
Claudia Fuchs  
Isabelle Choinière  
Lucie Poirier



## AND, INSIDE THE LSA...

By Joshua Fireman, VP Civil

Just a few (three, actually) notes and musings...

1) Believe it or not, I've been trying to get a photocopier installed near Sadies in the OCDH basement since there were still leaves on the trees. Two routes were taken. First, I examined the possibility of leasing a machine from an independent dealer (eg. Xerox, Toshiba or Acme). It soon became apparent that this approach wasn't going to work as we had neither the volume nor the necessary funds to merit such an expenditure. In addition to this, the copiers would not have accepted McGill Copy Cards.

So, I went on to Approach Number Two, proposed to me by the Engineering Undergraduate Society. This entailed my getting in touch with McGill's Business Operations office, and begging them to install a Copy Card Capable Copier.

Two flies hit the ointment here. First, there were no low-to-medium volume copiers available. Second, McGill is in the process of re-evaluating its copier contracts and is accepting tenders from different companies. Until the new contracts are signed, Business Operations will not be purchasing any new machines.

Is there an upside to all this? Actually, there is. You see, when the new contracts are being negotiated, Business Operations will keep our needs in mind as it decides which copiers to purchase. If all goes well, there will be a new copier in OCDH at the beginning of the fall '93 semester. It may not be tomorrow, but the wheels of bureaucracy are slowly turning...

2) If I've calculated properly, this issue of the Quid should coincide roughly with SAO placing the results of last semester's teacher evaluations on reserve in the li-

brary. If you are wondering about which courses to take next year, or if you want to know whether you were the only member of your class who really loved that very special prof, then hop, skip and jump up to the library for the inside scoop...

3) By the time you read this column, the Curriculum Committee will already have held, or will be about to hold its first meeting of the year. The Committee deals with issues surrounding course content, credit weight, along with issues such as part-time programmes and course language. Estelle Richmond, Hélène Gagnon and Suzy Costom are our student reps on the committee. Aside from the part-time programme question, 2 other important student issues will be raised:

First, there is the matter of course out-

**Cont'd on p.7 (just kidding, Josh)**

### Un-lawful... cont'd from p. 1

ously vanished? or, on a different note, experience incredulity upon hearing that some of our colleagues would hang around, like vultures, in the cafeteria after marks were posted and at SAO after papers were handed back, in order to gauge students' performances by their facial expressions?!!! (and I'm not making this up!) or, better yet, feel a certain disappointment, perhaps disbelief, when overhearing one student whisper to another not to share their oh-so precious laser-printed summaries. And this is to say nothing of the "non-academic" crimes: wallets being stolen from the library, coats being lifted from classrooms...etc. In a faculty which is supposed to be training future upholders of the law, this is a particularly disturbing trend.

I apologize if this all sounds moralizing

but unfortunately it's all true. I suppose in some small way I too contribute to this law school culture, if only because I want to do well — but not at the expense of others. And so I make the following recommendations - both of which are easily implemented - in the hope that these will be given some considerations by the LSA:

1) Create a system whereby course summaries will be accessible to all: either by placing them on reserve in the library or creating special files in the computer lab so that anyone with a disk may copy them without worrying about who they know.

2) Get rid of mark posting altogether. The only thing that should be publicly displayed is the mark breakdown or distribution in each class. Given that we all have access to Mars, there really is no

need to have every student's individual mark for each class on those sheets. This way, it will be of no consequence when an invigilator negligently blurts out your number (as has happened on many occasions) or someone accidentally looks at it on the back of your ID or on an exam booklet. This measure will also prevent those nosy people in our wonderful faculty from trying to deduce other students' exam number by studying all the class sheets.

The above recommendations are hardly revolutionary. I realize that if implemented all the pettiness in the faculty will not be completely eradicated nor will we all be throwing tupperware parties together shortly thereafter. But they may help. Maybe. In the meantime, this could be a long couple of years until graduation.



## SKIT NITE 1993

Skit Nite 1993 is right around the corner, and if you are interested in getting involved then this article is for you. Skit Nite is a variety show put on by the Law Faculty in order to raise money for local Montreal charities. These year the funds raised will benefit: **Chez Doris**, a shelter for women, **The Old Brewery Mission**, a shelter for homeless men and **Dans La Rue**, a shelter for troubled youths.

The main thrust of Skit Nite has been comedy, where more times than not, it is the teachers who find themselves at the receiving end of our biting humour. Skit Nite 1993 will be no exception. We hope to see skits that will make last year's "Another Wig on the Walsh" seem tame by comparison. Over the last few years music has also played a major role in the show, as we substituted real lyrics for our very own special ones (Last year's "Fail-

ing Scott, Scott Scott" and "Sexual Healy" are but a few examples). In keeping with this tradition, this year's theme will be "Little Shop of Lawyers" based on the hit musical "Little Shop of Horrors".

In order to get this show off the ground we need student participation. There are plenty of parts for everyone. We need skit writers (people to write either generally funny skits and/or specific skits that relate to our little shop of lawyers theme), performers, singers, dancers, set designers, make-up people and others. There will be a sign-up list posted in the pit. In order to jump start those creative juices, there will be shoving of Little Shop of Horrors at the beginning of February. There will also be a skit nite suggestion box displayed in the pit for all those who don't have the time to submit full skits but

had a couple of funny ideas they want to contribute. Please don't underestimate the usefulness of the suggestion box. Most of the funniest skits started off as innocent proposal.

Plusieurs personnes ont soulevé le fait qu'il y avait trop peu de numéros en langue française l'an dernier. Nous vous encourageons donc tous et toutes à laisser aller votre imagination! Nous avons besoin de votre créativité pour la conception de sketches et de chansons! Nous comptons sur votre participation.

Here is the list of key Skit Nite dates:

- \* Feb. 19 - this is the last day that skits can be submitted.
- \* March 3-5 - Skits must be performed before the stage manager.
- \* March 10 - Full dress rehearsal.
- \* March 11 - **SKIT NITE 1993**.

### ET MAINTENANT, UN PETIT MOT DE CUPL- DON

What about LOVE? Express your tender feelings to that special someone. Mettez vos valentins dans la boîte speciale située devant le Moot court, avant midi le mercredi, 3 février. They will be published in our special "Romance" edition - The Love Quid.

#### Inside LSA... cont'd from p.5

lines. Section 10.2 of McGill's Charter of Students' Rights requires instructors to provide students with detailed course outlines within the first week of lectures. However, some courses continue to be taught without the benefit of outlines, a situation which the LSA hopes can be

remedied.

Second is the issue of placing answers to exam questions on reserve in the library, as to enable students to better understand what is expected from them in a particular course. Again, this is not done in many courses.

If you have any comments to make about these matters, or any issue that falls under the mandate of the Curriculum Committee, Estelle, Hélène and Suzy would be pleased to hear from you. They can be contacted at the LSA office either by dropping a note in one of their boxes, or by calling 398-6966. Student input on curriculum issues can make a difference, so don't hesitate to make your voices heard!

#### Scandal Rocks... cont'd from p.3

anyone, it'll be the last breath you take." The shadowy figure departed through the

bedroom window as silently as it had entered, leaving Sif covered in sweat and filled with the kind of fear that ears away at your insides until you've got nothing more to feed it.

Lady Sif was at breaking point when she told me this. It didn't matter any more, she said. Whatever they did to her, it couldn't be worse than what she had gone through already. I told her that it was all in the past. She had Thor to protect her now, and she had me on her side, busting my chops to bring the CONE Heads to their knees. I knew that there had to be a lot more innocent victims of the CONE Heads out there; good decent people living in fear solely on account of being assiduous note takers. They were out there, waiting to tell their stories the same way Sif had told hers. And I'm going to find them.

Mark my words, CONE Heads - this time, you're going down!